

**NOTICE OF TYPE III
DEVELOPMENT REVIEW
APPLICATION, OPTIONAL
SEPA DETERMINATION OF
NON-SIGNIFICANCE & PUBLIC HEARING**

Form DS1325



The Clark County Department of Community Development has received an application for development review, as described below. Based on a review of the submitted application materials, the County expects to issue a **Determination of Non-Significance (DNS)** for the proposal allowed by state law and Clark County Code (CCC), Section 40.570.040(E) – Optional DNS Process. As lead agency, the county has determined that the requirements for environmental analysis, protection, and mitigation measures are adequately addressed in the development regulations and comprehensive plan adopted under chapter 36.70A RCW, and in other applicable local, state, or federal laws rules, as provided by RCW 43.21.240 and WAC 197-11-158. Our agency will not require any additional mitigation measures under SEPA. The proposal may include mitigation under applicable codes and the project review.

Comments received within the deadline will be considered in the review of the proposal. Your response to this notice may be your only opportunity to comment on the environmental impacts of this proposal. No additional comment period will be provided unless probable significant environmental impacts are identified during the review process, which would require additional study or special mitigation. The proposal may include mitigation under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an Environmental Impact Statement (EIS) is prepared.

Closing Date for Public Comments:
January 15, 2010

Information regarding this application can be obtained by contacting the staff contact person listed below, or visit the Public Service Center, Development Services Division, 1300 Franklin Street, 3rd Floor, Vancouver, Washington.

The Clark County Hearings Examiner will conduct the public hearing on **February 25, 2010 at 6:00 P.M., at Public Service Center, 1300 Franklin St., Vancouver, Washington, Sixth Floor Suite 680.** Parking is available in the parking garage on the north side of the Public Service Center (access off Franklin St.) after 5:30pm.

Project Name: **OUTSIDE STORAGE AREA EXPANSION**

Case Number: **CUP2009-00009; PSR2009-00035; SEP2009-00077**

Location: 7117 NE 47th Avenue

Request: The applicant is requesting a conditional use permit (CUP) and site plan review approval to operate a trucking terminal and maintain an existing outdoor gravel storage area on the site. The

approximately 3.97 acre property is zoned .

Applicant: The LMRK Group, LLC
PO Box 601
Woodburn, OR 97071
(503)819-7995; (503)829-2249
mitch_magenheimer@yahoo.com

Contact Person: Same as applicant

Property Owner: Same as applicant

Zoning: ML

Comp Plan Designation: ML

Parcel Number(s): 99725-000

Township: 2N **Range:** 1E **¼ of Section:** NE ¼ of Sec 12

Applicable Code Sections:

Clark County Code (CCC) Chapter: 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), 40.380 (Stormwater Drainage and Erosion Control), 15.12 (Fire Code), 40.230.080 (Industrial Districts, ML), 40.520.030 (Conditional Use Permits), 40.520.040 (Site Plan Review), 40.320 (Landscaping and Screening), 40.340.010 (Parking and Loading Standards), 40.610 (Impact Fees), 40.500 (Procedures), and 40.570 (SEPA)

Neighborhood Contact:

Andresen/St. Johns Neighborhood Association
Neil Chambers
6204 NE 67th Street
Vancouver, WA 98661
699-5119
E-mail: N.Chambers@comcast.net

Staff Contact Person:

Planner Name, Michael Uduk, (360) 397-2375, ext. 4385
E-mail: michael.uduk@clark.wa.gov
Development Services Manger, Michael Butts (360) 397-2375, ext. 4137

Please email SEPA comments to: michael.uduk@clark.wa.gov

Note: If mailing comments, an accurate mailing address for those submitting comment must be included or they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

If written comments or documents are to be hand delivered, please submit them to the Public Service Center, 1st floor.

Responsible Official: Michael V. Butts, Development Services Manager
Public Service Center, Department of Community Development, 1300 Franklin Street, P.O. Box 9810, Vancouver, WA 98666-9810

Application Filing date: September 4, 2009;
Fully Complete Date: November 24, 2009;
Hold Date: November 25, 2009 to December 18, 2009
Date of this notice: December 31, 2009

SEPA Options:

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be mitigated through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Timelines/Process:

Decisions on Type III applications are made within 92 calendar days of the Fully Complete date (noted above), unless placed on hold for the submittal of additional information.

SEPA Appeal Process:

A **procedural SEPA appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive SEPA appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

A **procedural appeal** must be filed within fourteen (14) calendar days of this determination, together with the appeal fee. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;

2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check for the appeal fee (made payable to the Department of Community Development).

The appeal request and fee shall be submitted to the Department of Community Development, Customer Service Center, at the address listed below.

The decision of the Hearing Examiner is final unless there is:

- A motion filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 2.51.160; or,
- An appeal is filed with Clark County Superior Court.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS

The Public Service Center is wheelchair accessible. If you need auxiliary aids or services in order to attend, contact the Clark County ADA Office. **Voice** (360) 397-2000; **Relay** (800) 833-6384; **E-mail** ADA@clark.wa.gov.

Information Available on the County Web Page:

- "Weekly Preliminary Plan Review Status Report," (includes current applications, staff reports and final decisions):
(<http://www.clark.wa.gov/commdev/active-landuseN.html>)
- Pre-Application Conferences and Public Land Use Hearing Agendas:
(<http://www.clark.wa.gov/commdev/agendasN.asp>)
- Applications and Information Handouts for each Type of Land Use Permit:
(<http://www.clark.wa.gov/commdev/applicationsN.html>) (*Landuse*)

Phone: (360) 397-2375; **Fax:** (360) 397-2011

Web Page at: <http://www.clark.wa.gov>

Attachments:

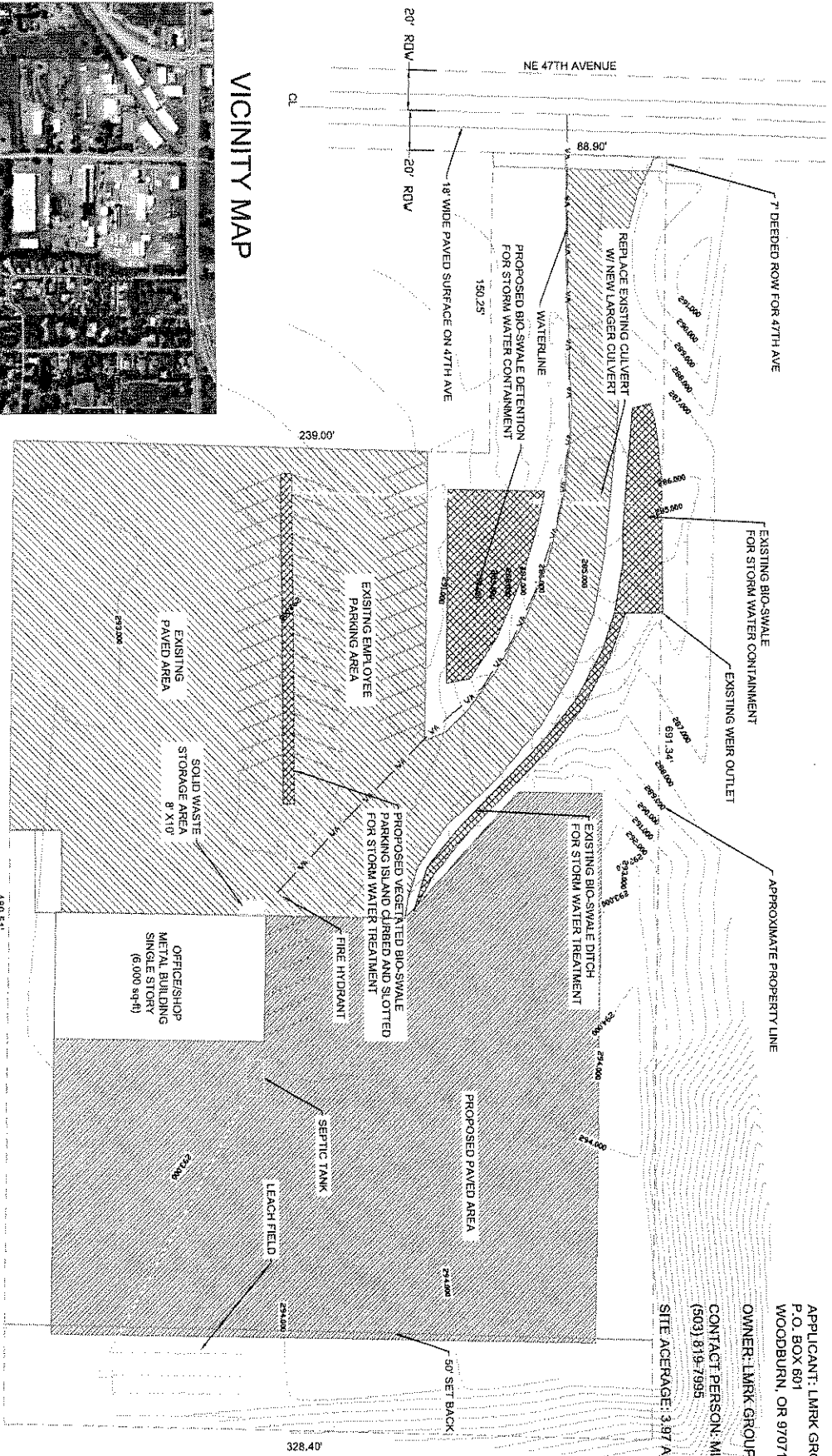
- Proposed project site/land division plan
- Map of property owners receiving notice

APPLICANT: LMRK GROUP, LLC
P.O. BOX 601
WOODBURN, OR 97071

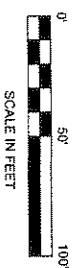
OWNER: LMRK GROUP, LLC

CONTACT PERSON: MITCH MAGENHEIMER
(503) 819-7995

SITE ACERAGE: 3.97 ACRES (172,933.89 sq-ft)



**NOTE:
NO NEW CONSTRUCTION PROPOSED**



VICINITY MAP

Property Owners

that were mailed the notice

NE 1/4 of Section 12 T2R1E WM



- Major Roads
- State
- State On-Ramp
- Interstate
- Interstate On-Ramp
- Primary Arterial
- Arterial
- Roads
- Municipal Jurisdiction
- Unincorporated
- Incorporated

Community Development (Development Serv

<Empty Picture>

Plot Date: Dec 31, 2009
Map produced by:

Information shown on this map was collected from several sources. Neither Clark County or the agency producing this document accept responsibility for any inaccuracies that may be present.

(Scale 1:2868.73)



100 0 100 200 300 400 Feet

Agency Distribution:

This notice is being provided to the following agencies with jurisdiction whose services maybe impacted by implementation of this proposal:

Federal Agencies:	U.S. Army Corps of Engineers - Enforcement Division
Tribes:	Cowlitz Indian Tribe Yakama Nation Chinook Tribe
State Agencies:	Department of Natural Resources (S.W. Region) Department of Ecology Department of Fish and Wildlife Department of Transportation
Regional Agencies:	Fort Vancouver Regional Library Southwest Clean Air Agency Vancouver-Clark Parks & Recreation
Local Agencies:	Clark County Department of Community Development Development Services Development Engineering Fire Marshal Clark County Health Department Clark County Public Works Transportation Division Clark County Conservation District Clark County Water Resource Council City of Vancouver Transportation
Special Purpose Agencies:	Fire Protection District # 5 Clark Public Utilities Clark Regional Wastewater District/City of Vancouver Water/Sewer
The Media	The Columbian The Oregonian The Reflector Vancouver Business Journal The Post Record
Other:	Applicant Clark County Neighbors Clark County Natural Resources Council Clark County Citizens United C-Tran Neighborhood Association

Add Attachment for Agencies:

- SEPA checklist

A. Background

1. Name of proposed project, if applicable:
Outside Storage Area Expansion
2. Name of applicant:
The Lmrk Group, LLC
3. Address and phone number of applicant and contact person:
Mitch Magenheimer PO Box 601
503 819 7995 Woolbourn, OR 97071
4. Date checklist prepared:
1-6-09
5. Agency requesting checklist:
Clark Co. Planning
6. Proposed timing or schedule (including phasing, if applicable):
None
7. Do you have any plans for future additions, expansion, or further activity related to this proposal? If yes, explain.
No
8. List any environmental information that has been or will be prepared related to this proposal.
None
9. Are other applications pending for governmental approvals affecting the property covered by your proposal? If yes, please explain.
No
10. List any government approvals or permits needed for your proposal:
None
11. Give a brief, complete description of your proposal, including the proposed uses and size of the project and site. There are several questions addressed later in this checklist asking you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

*We are applying for a Conditional Use permit
To allow an existing business to continue its
operation on the property.*

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including street address, section, township, and range. If this proposal occurs over a wide area, please provide the range or boundaries of the site. Also, a legal description, site plan, vicinity map, and topographic map. You are required to submit any plans required by the agency, but not required to submit duplicate maps or plans submitted with permit applications related to this checklist.

7117 NE 47th Ave
Vancouver, WA

Site

B. Environmental Elements

1. Earth

Agency
Use only

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other _____

- b. What is the steepest slope on the site and the approximate percentage of the slope? *15% is the steepest slope and is less than 4% of the site. That area will not be disrupted.*

- c. What general types of soils are found on the site (e.g., clay, sand, gravel, peat, muck)? Please specify the classification of agricultural soils and note any prime farmland.

Loam, H1B 99% of the property

- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, please describe.

No

- e. Describe the purpose, type, and approximate quantities of any filling or proposed grading. Also, indicate the source of fill.

None

- f. Could erosion occur as a result of clearing, construction, or use? If so, please describe.

No

- g. What percentage of the site will be covered with impervious surfaces after the project construction (e.g., asphalt or buildings)?

No changes proposed.

- h. Proposed measures to reduce or control erosion, or other impacts to the earth include:

No Development Proposed

2. Air

- a. What types of emissions to the air would result from this proposal (e.g., dust, automobile, odors, industrial wood smoke) during construction and after completion? Please describe and give approximate quantities.

a reduction of Dust would be the result.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, please describe.

No

- c. Proposed measures to reduce or control emissions or other impacts to air:

N/A

3. Water

a. Surface:

- 1) Is there any surface water body on or in the vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, and wetlands)? If yes, describe the type and provide names and into which stream or river it flows into.

No

- 2) Will the project require any work within 200 feet of the described waters? If yes, please describe and attach available plans.

No

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

N/A

- 4) Will the proposal require surface water withdrawals or diversions? Please provide description, purpose, and approximate quantities:

No

- 5) Does the proposal lie within a 100-year floodplain? If so, please note the location on the site plan.

No

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

No

b. Ground:

- 1) Will ground water be withdrawn, or will water be discharged to ground water? Please give description, purpose, and approximate quantities.

No

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources; (e.g., domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the size and number of the systems, houses to be served; or, the number of animals or humans the systems are expected to serve.

No additional discharge

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal. Include quantities, if known. Describe where water will flow, and if it will flow into other water.

We will be increasing the stormwater facility to meet the County requirements

- 2) Could waste materials enter ground or surface waters? If so, please describe.

No

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

Paving + implementing more stormwater storage capacity

4. Plants

Agency
Use only

a. Check or circle types of vegetation found on the site:

- Deciduous tree: alder, maple, aspen, other
- Evergreen tree: fir, cedar, pine, other
- Shrubs
- Grass
- Pasture
- Crop or grain
- Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- Water plants: water lily, eelgrass, milfoil, other
- Other types of vegetation

Black Berries

b. What kind and amount of vegetation will be removed or altered?

Grass area turned into storm water holding area.

c. List threatened or endangered species on or near the site.

N/A

d. List proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site:

Retain Existing Vegetation (over 20% of the site)

5. Animals

a. Circle any birds and animals which have been observed on or near the site:

- Birds: hawk, heron, eagle, songbirds, other;
- Mammals: deer, bear, elk, beaver, other; and,
- Fish: bass, salmon, trout, herring, shellfish, other.

*Normal common Birds
passing through.*

b. List any threatened or endangered species known to be on or near the site.

N/A

c. Is the site part of a migration route? If so, please explain.

No

d. List proposed measures to preserve or enhance wildlife:

Retain Existing Vegetation

6. Energy and natural resources

Agency
Use only

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, please describe.

N/A

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts:

N/A

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, please describe.

- 1) Describe special emergency services that might be required.

None

- 2) Proposed measures to reduce or control environmental health hazards, if any:

N/A

- b. Noise

- 1) What types of noise exist in the area which may affect your project (e.g., traffic, equipment, operation, other)?

None

- 2) What types and levels of noise are associated with the project on a short-term or a long-term basis (e.g., traffic, construction, operation, other)? Indicate what hours the noise would come from the site.

Nothing outside of Normal business hours allowed in the Code.

- 3) Proposed measures to reduce or control noise impacts:

N/A

8. Land and shoreline use

Agency
Use only

- a. What is the current use of the site and adjacent properties?

Trucking Facility

- b. Has the site been used for agriculture? If so, please describe.

NO

- c. Describe any structures on the site.

6000 Sq. Ft. Shop & Office

- d. Will any structures be demolished? If so, please describe.

NO

- e. What is the current zoning classification of the site?

(light Industrial) ML

- f. What is the current comprehensive plan designation of the site?

ML

- g. What is the current shoreline master program designation of the site?

?

- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, please specify.

NO

- i. How many people would reside or work in the completed project?

less than 15 on the site

- j. How many people would the completed project displace?

None

- k. Please list proposed measures to avoid or reduce displacement impacts:

N/A

- l. List proposed measures to ensure the proposal is compatible with existing and projected land uses and plans:

This whole project is only being done so that we are in compliance with Clark Co. Code.

9. **Housing**

Agency
Use only

- a. Approximately how many units would be provided? Indicate whether it's high, middle, or low-income housing.

N/A

- b. Approximately how many units, if any, would be eliminated? Indicate whether it's high, middle, or low-income housing.

N/A

- c. List proposed measures to reduce or control housing impacts:

N/A

10. **Aesthetics**

- a. What is the tallest height of any proposed structure(s), not including antennas? What is proposed as the principal exterior building materials?

N/A

- b. What views in the immediate vicinity would be altered or obstructed?

N/A

- c. Proposed measures to reduce or control aesthetic impacts:

N/A

11. **Light and glare**

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A

- c. What existing off-site sources of light or glare may affect your proposal?

N/A

- d. Proposed measures to reduce or control light and glare impacts:

N/A

12. Recreation

Agency
Use only

- a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A

- b. Would the project displace any existing recreational uses? If so, please describe.

NO

- d. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant:

N/A

13. Historic and cultural preservation

- a. Are there any places or objects on or near the site which are listed or proposed for national, state, or local preservation registers. If so, please describe.

NO

- b. Please describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

None

- c. Proposed measures to reduce or control impacts:

N/A

14. Transportation

- a. Identify the public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

we access the property from NW 47th Ave.

- b. Is the site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

1/4 to 1/2 mile

- c. How many parking spaces would the completed project have? How many would the project eliminate?

No change

- d. Will the proposal require new roads or streets, or improvements to existing roads or streets, not including driveways? If so, please describe and indicate whether it's public or private.

Public Road Extended to 20 feet.

- e. Will the project use water, rail, or air transportation? If so, please describe.

N/A

- f. How many vehicular trips per day would be generated by the completed project? Indicate when peak traffic volumes would occur.

up to 20 to 25 max

- g. Proposed measures to reduce or control transportation impacts:

N/A

15. Public services

- a. Would the project result in an increased need for public services (e.g., fire protection, police protection, health care, schools, other)? If so, please describe.

No

- b. Proposed measures to reduce or control direct impacts on public services:

N/A

16. Utilities

- a. Circle the utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on or near the site:

None

C. Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Date Submitted: _____

9/23/09

D. SEPA Supplemental sheet for non-project actions

Instructions:

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent of the proposal and the types of activities likely to result from this proposal. Please respond briefly and in general terms.

Agency

Use only

1. How would the proposal increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

It will improve storm water control

Proposed measures to avoid or reduce such increases are:

N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Improve if anything

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

N/A

3. How would the proposal be likely to deplete energy or natural resources?

N/A

Proposed measures to protect or conserve energy and natural resources are:

N/A

4. How would the proposal use or affect environmentally sensitive areas or those designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

N/A

Proposed measures to protect such resources or to avoid or reduce impacts are:

N/A

5. How would the proposal be likely to affect land and shoreline use? Will it allow or encourage land or shoreline uses incompatible with existing plans?

N/A

Proposed measures to avoid or reduce shoreline and land use impacts are:

N/A

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

N/A

Proposed measures to reduce or respond to such demand(s) are:

N/A

7. Identify whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

N/A